



PATENT

In re Application of:
Mar Tormo, Ana Tari, Gabriel Lopez-Berestein, &
Timothy McDonnell

Serial No.: 09/381,747

Filed: September 22, 1999

For: INHIBITION OF BCL-2 PROTEIN
EXPRESSION BY LIPOSOMAL
ANTISENSE OLIGODEOXYNUCLEOTIDES

Group Art Unit: 1635

Examiner: Karen Lacourciere

Atty. Dkt. No.: UTSC:550/DLP

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:	
December 20, 2002 Date	 Priya D. Subramony

**I. PETITION TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT &
II. PETITION TO RECONSIDER THE 37 C.F.R. §1.47(A) PETITION FILED ON
MAY 28, 2002**

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to a Decision on Petition under §1.47(a) and a Notice of Abandonment, mailed in the case on November 5, 2002. The Notice was sent for alleged failure to file a proper response to the final office action mailed on February 1, 2001. However, as Applicants have previously discussed and confirmed with the Examiner, the action mailed by the office on February 1, 2001, **was not a final office Action**, and hence the response mailed on August 1, 2001, was a proper and complete response.

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Attached hereto, as **Exhibit A**, is a copy of the Interview summary from Examiner, after issuance of the Advisory Action, confirming that the Action dated February 1, 2001, was not a Final Action. Also attached hereto, as **Exhibit B**, is a copy of a facsimile coversheet with a note from the Examiner to the Applicants which states that the Abandonment was rescinded. This note also indicates that the Examiner would prepare another Office Action in response to Applicants proper response filed on August 1, 2001. Thus, Applicants have been awaiting such a Action from the Examiner in this case. Accordingly, Applicants contend the case was in fact never abandoned. In light of these facts, Applicants hereby respectfully petition to withdraw the improper holding of abandonment and request that a copy of the Notice be sent to Applicants.

Applicants also petition to reconsider the Decision on Petition under §1.47(a) in response to the Petition filed by Applicants on May 28, 2002, as the application has not been abandoned. A review of the petition and a decision on the same is respectfully requested.

No fees are believed to be due in connection with the instant paper, however, should such fees be due consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from *Fulbright & Jaworski, L.L.P.* Account No. 50-1212/10017145/DLP01982.

Respectfully submitted,



Priya D. Subramony
Reg. No. 50,939
Agent for Applicants

FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Ave., Suite 2400
Austin, Texas 78701
(512) 536-3067

Date: December 20, 2002

Interview Summary

Application No.
09/381,747

Applicant(s)
Tormo et al.

Examiner
Karen A. Lacourciere

Group Art Unit
1635



All participants (applicant, applicant's representative, PTO personnel):

(1) Karen A. Lacourciere

(3) _____

(2) Pria Supranami

(4) _____

Date of Interview Sep 13, 2001

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:
None

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☒ N/A

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant notified the Examiner that the Office action mailed on 02-01-01 was not a final rejection and that the response filed on 08-07-01 should have been considered as a response to a non-final rejection. Examiner apologized for the error and indicated that the status of the application would be corrected.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

TELECOPY/FACSIMILE TRANSMISSION

TO: Pria Supramani

FIRM:

ATTORNEY'S DOCKET # OR SERIAL#: 09/381,747

FAX/TELECOPIER NUMBER: 512-536-4598

DATE: 11-08-01

FROM: Examiner Karen A. Lacourciere, Ph.D.

ART UNIT 1635

FAX: (703) 305-7939

PHONE: (703) 308-7523

MAILING ADDRESS: Karen A. Lacourciere

Art Unit 1635

U.S. Patent and Trademark Office

Crystal Mall 1

7th Floor Receptionist

1911 S. Clark Street

Arlington, VA 22202

7th Floor Receptionist phone: (703) 308-0196



PAGES, INCLUDING COVER SHEET:

Notes:

Dear ms. Supranami-

Attached is a copy of the Interview Summary which indicates that the Abandonment has been rescinded in 09/381,747. I will prepare an Office action addressing your response filed 08-01-01. The interview summary will also be mailed with the next Office action. Sorry for the delay.

Sincerely,

Karen Lacourciere

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE EXAMINER AT THE TELEPHONE NUMBER LISTED ABOVE.

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